

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Gateway Gaming, LLC

Plaintiff,

V.

Game Systems Incorporated

Defendant.

CIV. NO.: 4:11-CV-432

**DEFENDANT GAME SYSTEMS INCORPORATED'S RESPONSE TO PLAINTIFF
GATEWAY GAMING, LLC'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Games Systems (“Game Systems” or “Defendant”) in the above styled and numbered cause, and files this Response to Plaintiff Gateway Gaming, LLC’s (“Gateway” or “Plaintiff”) Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”) and would respectfully show the Court as follows:

1. Game Systems denies that there is any need for a Temporary Restraining Order or Preliminary Injunction. Game Systems ceased using the products described in Plaintiff's Complaint and Motion as soon as it was notified of Plaintiff's claims in August of 2011. Therefore, there is no threat of immediate and irreparable harm for which preliminary relief is appropriate.

2. Game Systems specifically denies that it is presently selling, distributing, displaying, or otherwise using the games outlined in Plaintiff's Motion. Game Systems specifically denies that it ever copied Plaintiff's material as outlined in Plaintiff's Motion.

3. Game Systems specifically denies that infringement, if any, by Game Systems is ongoing. As previously stated, Game Systems is not using any of the games identified in Plaintiff's Motion. Game Systems will not use any such games in the future. Thus, contrary to the assertions in Plaintiff's Motion, customers and end-users will not confuse Game Systems's games with Plaintiff's games, and Plaintiff will not lose business, goodwill, or potential customers.

4. Plaintiff's proposed security of \$1,000 is insufficient to pay Game Systems's costs and damages in the event it is found to have been wrongfully enjoined or restrained. If the Court decides to grant Plaintiff's Motion, Game Systems requests that Plaintiff be ordered to give security in the amount of \$3,500.

PRAYER

Games Systems prays that Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction be denied in its entirety; that Game Systems recover its fees and costs in defending against this motion; and for such other and further relief, both at law and in equity, to which it may show itself justly entitled.

Respectfully submitted,

Dated: September 30, 2011

/s/ Robert E. Aldrich, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was delivered pursuant to the Federal Rules of Civil Procedure to all counsel or parties of record via electronic delivery this 30th day of September, 2011.

/s/ Robert E. Aldrich, Jr.